

Sheppard and Tom Connally of Texas.

NEAL,	MURPHY,
PARR,	DUGGAN,
HORNSBY,	RAWLINGS,
HOPKINS,	SMALL,
PATTON,	MOORE,
MARTIN,	GREER,
RUSSEK,	PURL,
BLACKERT,	WOODWARD,
WOODUL,	WOODRUFF,
REDDITT,	ONEAL,
SANDERFORD,	STONE,
PACE,	BECK,
COLLIE,	COUSINS,
REGAN,	FELLBAUM,

Read and unanimously adopted.

#### Motion to Send Representative to Washington Meeting.

Senator Greer moved that the Senate send a representative of the Senate to the First Interstate Conference of Legislators to be held in Washington, D. C., February 3, 1933, his expenses to be paid out of the contingent expense fund of the Senate. The motion prevailed.

Senator Small nominated Senator Oneal who was unanimously elected.

Senators Poage, DeBerry, and Collie received unanimous consent to be recorded as voting "No" on the motion.

#### Motion to Reconsider.

The question recurred upon the pending motion to reconsider the vote by which the Senate this morning voted to go into executive session at 4:30 o'clock p. m. The motion was lost.

Senator DeBerry received unanimous consent to be recorded as voting "Yea" on the motion.

#### Executive Session.

The Chair, announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

#### After Executive Session.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

#### Confirmed.

Live Stock Sanitary Commission: Leo Callan, Bexar County, chairman;

Dr. E. F. Jarrell, Smith County, member; W. M. Gleen, Angelina County, member.

Board of Education: Tom Garrard, Lubbock County, member.

Board of Regents, University: J. H. Lutcher Stark, Orange County; Dr. J. K. Aynesworth, McLennan County; L. J. Sulack, Fayette County.

Refused to confirm—Board of Education: B. F. Tisinger, C. H. Chernosky.

#### Adjournment.

Senator Hopkins moved to recess until 10 o'clock tomorrow morning.

Senator Poage moved to adjourn until 10 o'clock tomorrow morning. The motion prevailed, and at 7:45 o'clock p. m., the Senate adjourned.

### APPENDIX.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Jan. 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 93 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

### TWELFTH DAY.

Senate Chamber,  
Austin, Texas,  
January 31, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.

Stone.  
Woodruff.

Woodul.  
Woodward.

Absent—Excused.

Russek.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

By Senator Holbrook:

S. B. No. 134, A bill to be entitled "An Act to amend Chapter 273, General Laws, Regular Session, Fortieth Legislature, fixing the salaries of judges of the Supreme Court, Court of Criminal Appeals, judges of the Supreme Court Commission of Appeals, judges of the Commission in Aid of the Court of Criminal Appeals, judges of the Courts of Civil Appeals, and district courts, including criminal district courts of this State; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 135, A bill to be entitled "An Act relating to the salaries of all State officers and all State employees, except judges of the district and all appellate courts, judges of the Supreme Court Commission of Appeals, judges of the Commission in Aid of the Court of Criminal Appeals, Attorney General and those constitutional state officers whose salaries are specifically fixed by the Constitution; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 136, A bill to be entitled "An Act making appropriations out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commission on sand, shell and gravel used by counties, cities and towns for constructing streets and roads; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Fellbaum:

S. B. No. 137, A bill to be entitled "An Act to authorize and empower parties to make the State of Texas a defendant to causes of action affecting real estate for the purpose of determining priority of liens whenever it appears that the State has a recorded judgment lien or liens on such real estate where such judgment lien arose out of a judgment of forfeiture of a bail bond; providing for a method of procedure, and limiting the right of joinder to that particular class of cases enumerated; providing that no costs or money judgment shall be rendered against the State; providing that if a part of this Act is declared unconstitutional it shall not affect the remaining parts of this Act, repealing all laws in conflict herewith and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Regan:

S. B. No. 138, A bill to be entitled "An Act appropriating the sum of twelve thousand, two hundred and fifty (\$12,250.00) dollars, or so much thereof as may be necessary, for expenses of investigation, preparation and prosecution of suit against the State of New Mexico for wrongful and inequitable diversion of the waters of the Pecos River, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 139, A bill to be entitled "An Act to amend Articles 6229, 6230, 6231, 6232, 6233, 6234, 6235, 6236, 6237, 6238, 6239, 6240, 6241, 6242, and 6243, Title 109, Chapter 2, of the Revised Civil Statutes of 1925, providing pension fund for employees of cities and towns over ten thousand (10,000) inhabitants in the State of Texas, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Poage:

S. B. No. 140, A bill to be entitled "An Act to amend Articles 879, 879A and 879B of the Revised Criminal Statutes of the State of Texas, as amended by Chapter 215 of the Acts of the Regular Session of the 40th Legislature, and by Chapter 74 of the Acts of the Regular Session of

the 41st Legislature regulating fixing the season in which wild mourning doves, wild white winged doves, wild quail and wild Mexican pheasants may be taken and killed; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Beck:

S. B. No. 141, A bill to be entitled "An Act to repeal an Act of the 42nd Legislature, Regular Session, 1931, being H. B. No. 915, Chapter 158, of the Special Laws of Texas, making it unlawful for any person in using a seine or net for the taking of any fish in Cass or Bowie Counties to disturb, agitate, or beat upon, or in, the waters at the time of using said seines or nets; fixing a penalty; and declaring an emergency."

Read and referred to Committee on State Affairs.

#### Senator Excused.

On motion of Senator Martin, Senator Russek was excused for the day on account of important business.

#### Senate Simple Resolution No. 31.

Senator Stone sent up the following resolution:

Whereas, Throughout the southern states there is a widespread feeling that the agricultural interests of the Nation could be served by the appointment of a southern man as Secretary of Agriculture in the cabinet of President-elect Franklin D. Roosevelt, and

Whereas, A majority of the agricultural leadership of the South is now united and strongly urging the appointment of the Honorable T. O. Walton, President of the Agricultural & Mechanical College of Texas, as Secretary of Agriculture, and

Whereas, This feeling exists in the North as well as the South, and his appointment is being urged in all other sections of the Nation as well, and

Whereas, Dr. Walton is familiar with all phases of agricultural development, having come up from the plow handle, and has served as a county agent, a district agent, director of extension and for the past several years as President of the Agricultural & Mechanical College of Texas, and has acquired nationwide recognition and has had practical as well as technical training in

the problems of agriculture; therefore be it

Resolved, That the Senate commend Dr. Walton to the consideration of President-elect Franklin D. Roosevelt as being eminently qualified for this position and enthusiastically urge his appointment as Secretary of Agriculture in the new cabinet, and that a copy of this resolution be mailed to the President-elect as an endorsement of Dr. Walton for this position.

STONE,	MARTIN,
HORNSBY,	PARR,
NEAL,	RAWLINGS,
SMALL,	COLLIE,
WOODWARD,	HOPKINS,
ONEAL,	FELLBAUM,
DUGGAN,	MOORE,
MURPHY,	COUSINS,
PACE,	BLACKERT,
WOODUL,	REGAN,
REDDITT,	DeBERRY,
SANDERFORD,	WOODRUFF.

Read and adopted.

#### S. C. R. No. 9.

Senator Neal sent up the following resolution:

Memorializing the administrators of Reconstruction Finance Corporation funds in Texas to expend as much of the relief funds as are necessary in the payment of salaries for farm and home demonstration agents, and for procuring needed equipment in the way of community canners, in counties which are not financially able to pay for same, and which may desire to conduct such work as a means toward helping the unemployed to help themselves, and to further aid the program of better farming, and better farm and home management, in Texas.

Whereas, The State of Texas is receiving aid for the unemployed of the State from the Reconstruction Finance Corporation of the United States, and

Whereas, It no doubt is the purpose of the administrators of the funds to expend them in a wise and productive manner, and in constructive and permanently helpful ways, and

Whereas, It should be the policy of the State to help the unemployed and indigent to help themselves, when and where practicable, and in

so far as the agencies administering the funds have authority, and

Whereas, Many of the unemployed need to get back to the soil for the purpose of growing food and feed for themselves and families, and for conserving and preserving the same, and

Whereas, Agriculture affords the best means for a wholesome, healthful and helpful life, and today is being greatly aided by the work of farm and home demonstration agents, in counties which are financially able to finance the same, and

Whereas, Our people not only want to bring relief to the unemployed and indigent, but to redeem thousands of mortgaged and foreclosed farms, in an attempt to bring the agricultural interests of the State back to the high place of stability and economic independence which formerly belonged to it; therefore be it

Resolved by the Senate, the House of Representatives concurring, That as much of the Reconstruction Finance Corporation relief funds as shall be needed to pay salaries, or part salaries, of farm and home demonstration agents, and in payment for community canners, shall be used in counties, financially unable to finance the expenditure of same.

NEAL,	STONE,
DUGGAN,	COUSINS,
MURPHY,	REDDITT,
PACE,	SANDERFORD.

The resolution was read.

Senator Holbrook moved to indefinitely postpone further consideration of the resolution.

On motion of Senator Woodward, the previous question was ordered on the further consideration of the resolution and all pending amendments.

The motion to indefinitely postpone was lost by the following vote:

Yeas—10.

Collie.	Poage.
DeBerry.	Purl.
Holbrook.	Rawlings.
Hornsby.	Small.
Moore.	Woodul.

Nays—14.

Cousins.	Fellbaum.
Duggan.	Martin.

Murphy.	Redditt.
Neal.	Regan.
Pace.	Sanderford.
Parr.	Stone.
Patton.	Woodward.

Absent.

Beck.	Oneal.
Greer.	Woodruff.

Absent—Excused.

Russek.

(Pair Recorded.)

Senator Blackert (present) who would vote nay, with Senator Hopkins (absent) who would vote yea.

By unanimous consent, Senator Neal sent up the following amendment which had been withheld pending disposition of the motion to indefinitely postpone:

Amend S. C. R. No. 9 by adding the following:

"It is understood, however, that the Legislature of Texas here and now re-affirms its opposition to the Reconstruction Finance Corporation and the policy of Federal support of purely local agencies and condemns the expenditure of any Federal monies for such purposes and simply asks that such money be used for the aforementioned purposes for the reason that the money has already been extracted from our people and in justice some portion should be returned to agriculture that paid the largest part of the bill."

PACE,  
MURPHY.

Read and adopted by the following vote:

Yeas—19.

Blackert.	Parr.
Cousins.	Patton.
Duggan.	Poage.
Fellbaum.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	

Nays—6.

Collie.	Small.
DeBerry.	Woodul.
Purl.	Woodward.

Present—Not Voting.

Holbrook.

**Absent.**

Beck. Hopkins.  
Greer. Oneal.

**Absent—Excused.**

Russek.

The resolution as amended was adopted by the following vote:

**Yeas—15.**

Beck. Parr.  
Cousins. Patton.  
Duggan. Redditt.  
Fellbaum. Regan.  
Hornsby. Sanderford.  
Murphy. Stone.  
Neal. Woodward.  
Pace. Woodul.

**Nays—12.**

Collie. Poage.  
DeBerry. Purl.  
Holbrook. Rawlings.  
Martin. Small  
Moore. Woodruff.  
Oneal. Woodul.

**Absent.**

Greer.

**Absent—Excused.**

Russek.

**(Pair Recorded.)**

Senator Blackert (present) who would vote yea, with Senator Hopkins (absent) who would vote nay.

**Mrs. Smith Addresses Senate.**

On motion of Senator Woodward, Mrs. Rutledge Smith of Lebanon, Tenn., was invited to address the Senate.

The Chair appointed Senators Woodward, Neal and Fellbaum to escort Mrs. Smith to the platform. The Chair introduced Mrs. Smith, who briefly addressed the Senate.

**Adjournment.**

Senator DeBerry moved to recess until 2 o'clock p. m. today.

Senator Woodward moved to adjourn until 2 o'clock p. m. tomorrow.

Senator Woodruff moved to adjourn until 10 o'clock Thursday

morning. The motion was lost by the following vote:

**Yeas—8.**

Blackert. Stone.  
Oneal. Woodruff.  
Rawlings. Woodul.  
Small Woodward.

**Nays—17.**

Collie. Neal.  
Cousins. Pace.  
DeBerry. Patton.  
Duggan. Poage.  
Fellbaum. Purl.  
Holbrook. Redditt.  
Hornsby. Regan.  
Moore. Sanderford.  
Murphy.

**Absent.**

Beck. Martin.  
Greer. Parr.  
Hopkins.

**Absent—Excused.**

Russek.

The motion to adjourn until 2 o'clock p. m. tomorrow prevailed by the following vote:

**Yeas—14.**

Blackert. Patton.  
Cousins. Rawlings.  
Duggan. Small.  
Fellbaum. Stone.  
Moore. Woodruff.  
Oneal. Woodul.  
Pace. Woodward.

**Nays—11.**

Collie. Poage.  
DeBerry. Purl.  
Holbrook. Redditt.  
Hornsby. Regan.  
Murphy. Sanderford.  
Neal.

**Absent.**

Beck. Martin.  
Greer. Parr.  
Hopkins.

**Absent—Excused.**

Russek.

At 12:27 o'clock p. m. the Senate adjourned.

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Jan. 31, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 9 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Jan. 30, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 68, A bill to be entitled "An Act repealing Chapter 81, Senate Bill No. 11, as enacted by the Fifth Called Session of the 41st Legislature as shown on page 246 et seq., of the session acts which created the 114th Judicial District Court; validating and continuing all causes, processes, writs, bonds and recognizances and making them pending, answerable and returnable and valid in the 31st and 84th Judicial District Courts respectively; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODUL, Chairman.

**THIRTEENTH DAY.**

Senate Chamber,  
Austin, Texas,  
February 1, 1933.

The Senate met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Hopkins.
Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Patton.

Poage.	Sanderford.
Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.

Absent—Excused.

Oneal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senators Purl, Rawlings, and Poage:

S. J. R. No. 11, A joint resolution Proposing an amendment to the Constitution of Texas, by amending Article 4, Section 26, changing the manner of appointment of Notaries Public.

Read and referred to Committee on Constitutional Amendments.

By Senator Greer:

S. B. No. 142, A bill to be entitled "An Act to amend Section 8, Chapter 10, Acts of the Forty-first Legislature, Second Called Session, relating to the duties of the State Board of Education pertaining to teacher's certificates; protecting rights of teachers holding certificates under existing law; repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Parr:

S. B. No. 143, A bill to be entitled "An Act to amend Article 2938 of the Revised Civil Statutes of Texas, 1925, relating to the appointment of election judges and clerks in election precincts where there are one hundred citizens or more who have paid their poll tax or received their certificates of exemption, providing that the presiding judge appointed shall in all cases belong to the party that at the last General Election cast the largest vote for Governor throughout the State."

Read and referred to Committee on Privileges and Elections.